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 Portfolio Recovery Associates, LLC*

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

DELANIE BUTLER and JOHN ROBINSON,
 individually and on behalf of all similarly
 situated class and collective action members,

Plaintiffs,

vs.

PORTFOLIO RECOVERY ASSOCIATES,
 LLC, a Delaware Limited Liability Company;
 DOES I through X, inclusive; ROE
 CORPORATIONS I through X inclusive,

Defendants.

Case No.: 2:20-cv-00861-JCM-EJY

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY AND OTHER
 DEADLINES**

(FIRST REQUEST)

Pursuant to LR IA 6-1, LR IA 6-2 and LR 7-1, Plaintiffs Delanie Butler and John Robinson, individually and on behalf of all similarly situated class and collective action members ("Plaintiffs") and Defendant Portfolio Recovery Associates, LLC ("Defendant"), by and through their respective counsel of record, hereby request and stipulate to extend discovery and related deadlines for a period of ninety (90) days. Discovery cut off is currently set for April 12, 2021. This is the parties' first request for an extension.

I. DISCOVERY COMPLETED TO DATE

A Discovery Plan and Scheduling Order was filed by the parties on September 23, 2020. The parties subsequently exchanged Initial Disclosures. On November 30, 2020, Plaintiff propounded a First Set of Interrogatories and First Set of Request for Production of Documents. Defendant served

its Responses to First Set of Interrogatories, First Set of Request for Production of Documents and First Supplemental Disclosures on January 20, 2021. On February 3, 2021, Defendant propounded a First Set of Interrogatories and First Set of Request for Production of Documents upon Plaintiff.

II. REMAINING DISCOVERY TO BE COMPLETED

The parties intend to supplement their disclosures with additional documents as discovery proceeds. In addition, witness interviews need to be concluded and depositions of the parties, persons most knowledgeable and percipient witnesses need to be scheduled and completed. If the matter does not settle at mediation, counsel will meet and confer to begin scheduling appropriate depositions.

III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE DEADLINE

The parties have met and conferred and agreed to participate in mediation, which is currently scheduled for April 8, 2021. To preserve costs, the parties agreed to schedule and conduct each parties' depositions after April 8, 2021 if the mediation was unsuccessful. Therefore, good cause exists for the proposed extension of the discovery deadlines and the parties believe that an extension is necessary.

IV. REVISED PROPOSED DISCOVERY PLAN

All discovery in this case will be conducted in accordance with the Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The parties propose to the Court the following cut-off dates:

A. Discovery Cut-Off Date: The discovery cut-off deadline shall be **Monday, July 12, 2021** as the ninetieth day is on a Sunday.

B. Dispositive Motions: Dispositive motions shall be filed 60 days after the discovery cut-off date, or by **Friday, September 10, 2021**.

C. Class Certification Conference: There shall be a status conference set by the Court to discuss issues related to class and collective action certification to occur 30 days after the completed briefing of dispositive motions.

1 **D. Motions In Limine/Daubert Motions:** Pursuant to LR 16-3(b), and unless the
2 District Judge issues an Order with a different deadline or briefing schedule, any motions in limine,
3 including *Daubert* type motions, shall be filed and served thirty (30) days prior to trial. Oppositions
4 shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Reply
5 briefs will only be allowed with leave of court.

6 **E. Pretrial Order:** The Pretrial Order shall be within 14 days after the Court's ruling
7 on dispositive motions, as necessary, the parties will reconvene under Rule 26(f) and propose any
8 deadlines for the timely and orderly disposition of any remaining claims.

9 **F. Extension or Modification of the Discovery Plan and Scheduling Order:** In
10 accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery
11 plan and scheduling order must be received by the Court no later than twenty-one (21) days before
12 the expiration of the subject deadline. A request made within 21 days of the subject deadline must
13 be supported by a showing of good cause. A request made after the expiration of the subject deadline
14 will not be granted unless the movant also demonstrates that the failure to act was the result of
15 excusable negligence.

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1 This Stipulation is not submitted for purposes of delay. For all the reasons stated above, good
2 cause exists to extend the discovery cut off and other deadlines in this matter.

3 **IT IS SO STIPULATED.**

4 DATED this 15th day of March, 2021.

5 HUTCHINGS LAW GROUP, LLC

6
7 /s/ Mark H. Hutchings
8 Mark H. Hutchings, Esq.
9 Nevada Bar No. 12783
10 552 E. Charleston Blvd.
11 Las Vegas, NV 89104
12 *Attorney for Plaintiffs*

DATED this 15th day of March, 2021.

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

13 /s/ Erica J. Chee
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16 Wells Fargo Tower
17 Suite 1500
18 3800 Howard Hughes Parkway
19 Las Vegas, NV 89169
20 *Attorney for Defendant*

21 **ORDER**

22 **IT IS SO ORDERED.**

23 Raymond J. Zouchak
24 UNITED STATES MAGISTRATE JUDGE

25 March 16, 2021

26 DATED

27 46361999.1